

# **SUBDIVISION AND DEVELOPMENT APPEAL BOARD A G E N D A**

**DATE:** Wednesday, January 20, 2021  
**TIME:** 6:30 p.m.  
**LOCATION:** Virtual - Zoom

1. Call to Order

2. 6:30pm

Appeal Hearing – PL20200000543

Appellant: Traci Upshaw

Against the conditional approval of Development Permit PL20200000543 to locate a home occupation offering reflexology services with a variance to allow for a home occupation on the same site as an existing secondary suite at 41 Hudson Cove (Plan 132-3212, Block 11, Lot 120). The Development Permit Application was approved on December 4, 2020.

3. Adjournment

## City of Spruce Grove Subdivision and Development Appeal Board

**Appeal:** PL20200000543

**Appellant:** Tracy Upshaw

Civic Address	Legal Description
41 Hudson Cove	132-3212-11-120

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### Exhibit List

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## EXHIBIT 1

## **DEVELOPMENT PERMIT No. PL20200000543**

### **TIMELINES**

Development Permit Application Received Incomplete	September 10, 2020
Additional Documentation Requested	September 10, 2020
Development Permit Application Received Complete	October 27, 2020
Development Permit Application Decision Issued	December 4, 2020
Notice of Appeal Received	December 23, 2020
Development Permit Appeal Period Expiry Date	January 4, 2021
Notice of Hearing Sent to Appellant	January 5, 2021
Notice of Hearing Sent to Adjacent Property Owners	January 5, 2021
Notice of Hearing Advertised in Newspaper	January 15, 2021
Subdivision and Development Appeal Board Hearing	January 20, 2021

## EXHIBIT 2



Planning and Development  
414 King Street, Spruce Grove, AB  
Phone: 780-962-7582  
Fax: 780-962-1062

Page 1 of 2

Business Hours  
M-F: 8:30 a.m. - 4:30 p.m.

## HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

PL2020000543

### LOCATION - REQUIRED

Suite:	Street Address:	Street Name:
	41	HUDSON COVE
Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian		
L120 / B11 / P132-3212 /		

**\*\*If this is for a Family Day Home, Please use the DEVELOPMENT PERMIT Application Form\*\***

### BUSINESS DESCRIPTION - REQUIRED

I am a Holistic Health & Practitioner Certified in Reflexology. I will be providing this service out of my home part-time.

### HOME OCCUPATION - REQUIRED

BUILDING PERMIT REQUIRED: ☐ YES ☒ NO CONFIRMED BY: \_\_\_\_\_

Are room alterations involved: ☐ Yes ☒ No Number of Rooms: 1 Room Description: Front office room.  
(list all rooms)

Detail of Alterations: None

The area is completely separate from my home living space with a washroom.

### Detail of materials, equipment and/or vehicles that will be used and where they will be stored - REQUIRED

Equipment: <u>Massage Table</u>	Storage Location: <u>In Front Room</u>
Vehicle(s)/Utility Trailer(s): _____	Storage Location: _____
Material(s): _____	Storage Location: _____

### Detail of Operation - REQUIRED

Number of resident employees: 1  
(employees that reside in the home)

Number of non-resident employees: 0  
(employees not residing in the home)

Number of daily visits: 1-3

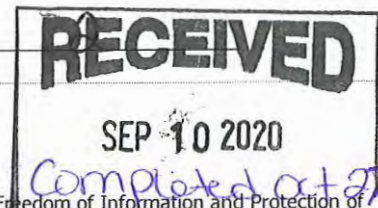
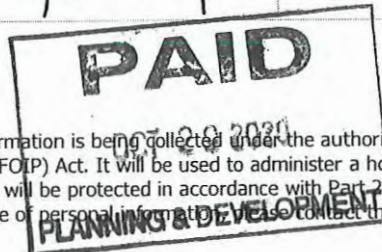
Number of onsite parking stalls: 4

Hours of operation: 11-4 Mon/Friday

Number of household vehicles: \_\_\_\_\_

Mailing Address  
315 Jespersen Ave  
Spruce Grove, AB T7X 3E8

This information is being collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer a home occupation development permit. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.



10 - Nov - 2020 - LM to call - S.S. approved in dwelling.





# HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

Planning and Development  
414 King Street, Spruce Grove, AB  
Phone: 780-962-7582  
Fax: 780-962-1062

Page 2 of 2

Business Hours  
M-F: 8:30 a.m. – 4:30 p.m.

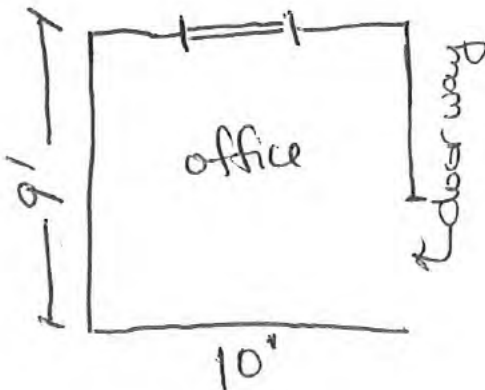
## OWNER INFORMATION - REQUIRED

If you do not own the dwelling in which you live, please have the owner fill out the following information or provide a letter of approval from the owner (or condominium association).

Owner Name:	Phone no.:	Fax no.:
Mailing address:	City:	Province:
		Postal Code:
	Email Address:	
Owner's Signature:	Date:	

## APPLICANT INFORMATION - REQUIRED

Applicant Name:	Phone no.:	Fax no.:
Mailing address:	City:	Province:
		Postal Code:
	Email Address:	
Applicant's signature:	Date:	



Smoke Detector. 13' 9" away in living room.

Fire extinguisher in washroom next to office room and under kitchen sink.

**Mailing Address**  
315 Jespersen Ave  
Spruce Grove, AB T7X 3E8

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November 18, 2020

Dear City of Spruce Grove planning department,

My name is Kristina Kloeck and I reside at 41 Hudson Cove. Please accept this Variance letter in its form as I have never written one before.

I have resided in Spruce Grove for over 18 years now, raising my children and being active in the community. I built my home in Harvest Ridge after I separated from my husband. Building a legal rental suite and planning to work from home has allowed me to provide for my children and for me to get back on my feet.

As you know COVID-19 has forced several businesses to change locations and parameters for their clients. My business is no different. I work with individuals in our community recovering from heart surgery, hip and knee replacements, mental illness, cancer and much more. I have been doing this for 7 years now. I worked from home and acquired a business licence from the City a few years ago but found I preferred to work in a clinic setting so I moved.

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I am now in the unfortunate situation I do not have a choice; I need to work from home to keep being able to pay all my expenses and keep my home. I cannot afford to work at the clinic any longer and the risk of COVID-19 transmission for my clients is extremely high because of all the foot traffic.

I am also in the situation where my ex-husband has not worked for over a year and I have not received any child support during this time. I am doing everything I can to support myself and my children.

I am requesting a variance because I have a legal rental suite in the basement of my home and there is a bylaw regarding having only one business in a residence. I am asking that this be reviewed as my business does not interfere with my renter or neighbours.

The hours of operation will be 10am to 4pm weekdays. There is ample parking in the back-parking pad which is for 3 cars. My renter does not get home until 6 weekdays. Therefore, my car is the only car parked on the parking pad from 7am to 6pm daily. My clients will enter and exit via the back door. I have set the parking up this way, so I do not intrude on my neighbour's ability to park during the day. During the hours of 10 am to 4pm there is always ample space out front as my neighbours are at work as well.

I hope this letter clarifies my intentions for my business and the City is willing to allow me to acquire a business license. Thank you for your time!

Sincerely,

Kristina Kloeck



## **EXHIBIT 3**



## Development Permit Decision

Planning and Development, Office Location  
414 King Street  
Spruce Grove, AB  
Phone: (780) 962-7582 Fax: (780) 962-1062

Planning and Development, Mailing Address  
315 Jespersen Avenue  
Spruce Grove, Alberta T7X 3E8

Development Permit Decision No: PL20200000543  
Municipal Address: 41 Hudson Cove  
File No/Legal (Pl-Blk-Lt): 132-3212-11-120  
Land Use District: R1

☐ Approved  
☐ Permitted Use

☒ **Conditionally Approved**  
☒ **Discretionary Use**

☐ Refused  
☒ **Variance Granted**

The request to vary regulation 2(h) of section 70 of Land Use Bylaw C-824-12 where it states, in part, a site containing a Home Occupation shall not contain a Secondary Suite, has been approved. It is the opinion of the development officer that the intent of this regulation was to limit the possible impacts, caused by different uses on the site, to the required on-site parking stalls. The development officer approved the request for variance for the following reasons:

1. The applicant provided parking arrangements to confirm that adjacent property owners and the tenant of the secondary suite would not be negatively affected by the home occupation. There is a total of three on-site parking stalls. The one on-site parking stall for the home occupation would be one of the minimum required two on-site parking stalls for the residential use of the dwelling and not the third required on-site parking stall for the use of the secondary suite.
2. As per #1 above, it is the opinion of the development officer that the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring sites.

The application for a development permit for a home occupation offering reflexology services is approved subject to the following conditions:

1. The home occupation shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling involved. The home occupation shall not be visible from the exterior of the dwelling. Therefore, there shall be no signage in relation to the business, no products on display through windows or any other such visible means of determining that a business is operating from this location.
2. There shall be no outside storage of materials, commodities or finished products.
3. No commodity other than the product or service of the home occupation shall be sold on the premises.
4. No employee of a Home Occupation, other than a resident of the Dwelling, shall undertake any work at the Dwelling, including parking their motor vehicle.
5. Not more than one business related vehicle, no heavier than 5,000 kg, shall be parked on the property at any time.
6. Any vehicles parked on street or off street, as a result of a home occupation shall, in the opinion of the Development Officer, not be a source of inconvenience to adjacent landowners or tenants.
7. If, at any time, any of the requirements for the home occupation has not been complied with, the Development Officer may suspend or cancel this development permit.
8. A site containing a home occupation shall not contain a Garage Suite or Garden Suite.
9. A home occupation that attracts clients, customers or students to the premises shall be limited to a maximum of **one** in attendance at any one time, as determined by the available parking on site.
10. If in future, the parking arrangements provided by the applicant change, a development permit will be required and the minimum required parking stalls will be reviewed at that time.

Tanya Ouellette

Development Officer

Signature

4-December-2020

Date

APPEAL PERIOD EXPIRY DATE:

JAN - 4 2021





## Development Permit Decision

Planning and Development, Office Location  
414 King Street  
Spruce Grove, AB  
Phone: (780) 962-7582 Fax: (780) 962-1062

Planning and Development, Mailing Address  
315 Jespersen Avenue  
Spruce Grove, Alberta T7X 3E8

Development Permit Decision No: PL202000005  
Municipal Address: 41 Hudson Cove  
File No/Legal (PI-Bik-Lt): 132-3212-11-120  
Land Use District: R1

### Important Notices

- This is not a building permit (must be obtained separately). A Building Permit may be required, please contact the Planning and Development Department for more information.
- A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement, bylaw, regulation (municipal or provincial) or instrument affecting a building or land.
- Any development carried out prior to the appeal expiry date is at the sole risk of the applicant.
- If you wish to appeal the decision of the Development Officer, you may do so by completing a form available from the:

City of Spruce Grove  
Planning and Development Department, Office Location  
414 King Street, Spruce Grove, Alberta

OR

On the City's website at <https://www.sprucegrove.org/services/building-and-development-permits/development-permits/>

The completed form along with the appeal fee can be submitted in the following manner:

Mailing:  
City of Spruce Grove  
Planning and Development Department  
315 Jespersen Avenue  
Spruce Grove, Alberta T7X 3E8

In Person:  
City of Spruce Grove  
Planning and Development Department  
414 King Street  
Spruce Grove, Alberta

OR

Email:  
[permits@sprucegrove.org](mailto:permits@sprucegrove.org)

The request for appeal shall be submitted within the appeal expiry date.

### For Information Purposes

- (1) **THIS IS NOT A BUILDING PERMIT.** Such permits must be obtained separately.
- (2) **POSTING OF DEVELOPMENT OFFICER'S DECISION**

Where there is a right of appeal, by anyone other than the applicant, from a decision on an application, posting on the site may be required. Such a posting must be on the site as may be required by the Development Officer, describing the proposed development and the Development Officer's decision, and advising of the right of appeal to the Subdivision and Development Appeal Board. The notice shall be of durable material, and shall be at least one (1) foot by two (2) feet in size.

- (3) **GROUND'S FOR APPEAL**

Section 685 of the Municipal Government Act states:

- "(1) If a Development Authority
- (a) refuses or fails to issue a development permit to a person,
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under section 645
- the person applying for the permit or affected by the order under section 645 may appeal to the Subdivision and Development Appeal Board."
- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the Subdivision and Development Appeal Board.
  - (3) Notwithstanding subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted."

Section 686 of the Municipal Government Act states in part:

- "(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board
- (a) in the case of an appeal made by a person referred to in section 685(1)
    - (i) with respect to an application for a development permit,
      - A. within 21 days after the date on which the decision is made under section 642, or
      - B. if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or





## Development Permit Decision

Planning and Development, Office Location  
414 King Street  
Spruce Grove, AB  
Phone: (780) 962-7582 Fax: (780) 962-1062

Planning and Development, Mailing Address  
315 Jespersen Avenue  
Spruce Grove, Alberta T7X 3E8

Development Permit Decision No: PL20200000543

Municipal Address: 41 Hudson Cove

File No/Legal (Pl-Blk-Lt): 132-3212-11-120

Land Use District: R1

- (b) In the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the Hearing
  - (a) to the appellant,
  - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
  - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified."

Section 687 of the Municipal Government Act states in part:

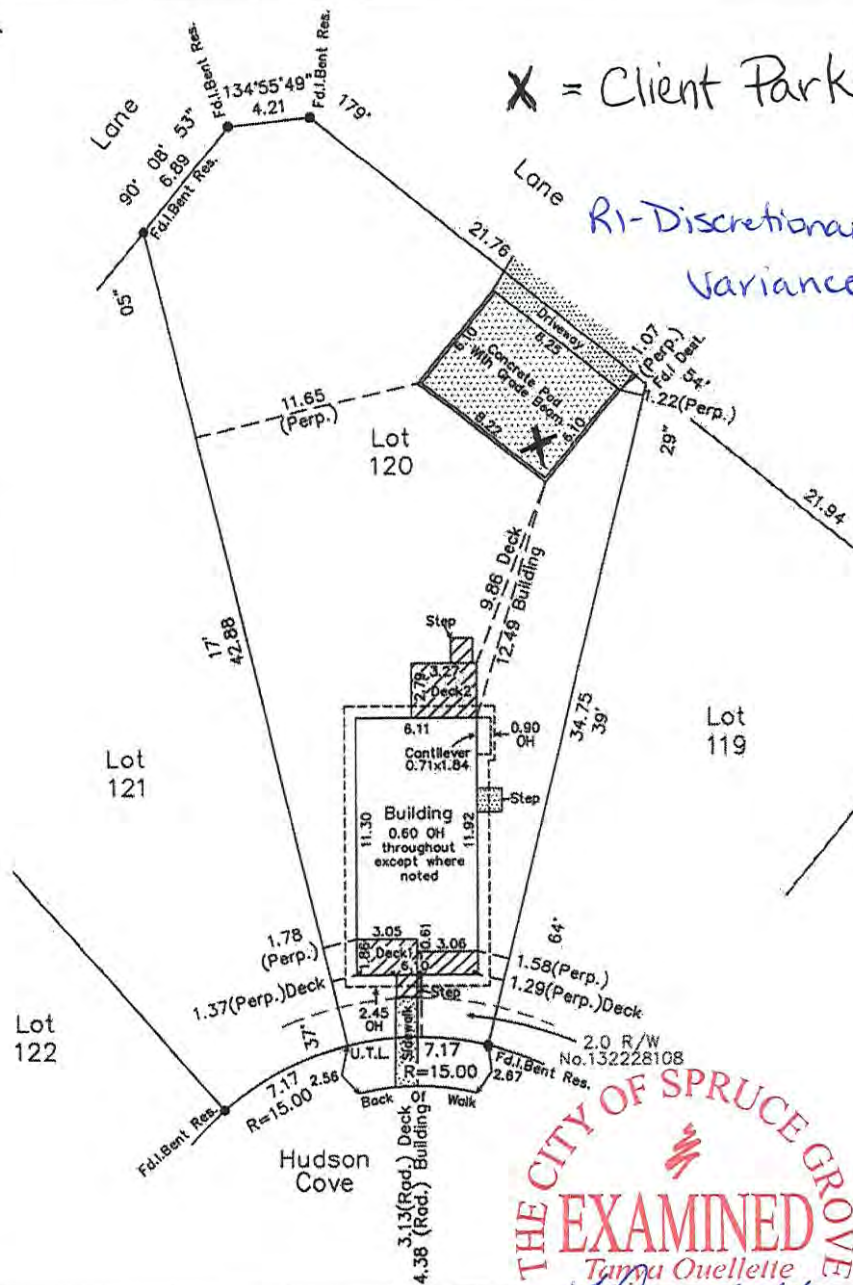
- "(1) At a hearing under section 686, the Subdivision and Development Appeal Board must hear
  - (a) the appellant or any person acting on behalf of the appellant,
  - (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
  - (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of the person, and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear, or a person acting on behalf of that person.
- (2) The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing."

### PERMIT VALIDITY

- (a) A development permit is effective for a period of one year unless specified otherwise in the permit conditions. If the development permit cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date and if substantial development has occurred on the site, in the opinion of the Development Officer.
- (b) A development once commenced is not to be discontinued or suspended for a period or periods totalling more than six months unless the Development Officer has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained the development permit shall be considered to have lapsed.
- (c) In the case of an appeal the decision of the Subdivision and Development Appeal Board, to approve the development permit or amend any conditions, is effective for a period of one year from the date of the written notification. If the decision of the Subdivision and Development Appeal Board cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date.



014893



X = Client Parking.

R1-Discretionary w/  
Variance

#### Note:

All visible ground level sidewalks, patios and driveways pertaining to this property are within the limits of the same unless shown otherwise.

Deck 1 is 1.24 above grade,  
rail is 0.92 above deck.

Deck 2 is 1.08 above grade,  
rail is 0.92 above deck.

Bearings assumed from subject plan.

#### COMPLIANCE CERTIFICATE

This is to certify that the property is situated in the R1 District under the City of Spruce Grove Land Use Bylaw No. 5824-16. A review of the Real Property Report dated 14-Aug-14 with an amendment dated 12-Aug-15 shows that the building(s) is/are located in accordance with the setback regulations of this district and the appropriate Development Permit(s) was/were issued. The Development Officer has not conducted an inspection of the site. This compliance certificate makes no representation as to compliance with the Alberta Safety Codes Act, the requirements of any federal, provincial or municipal legislation or to the terms or conditions of any easement, covenant, building scheme, agreement or other document affecting the building(s) or land.

(Note: This compliance certificate includes any structure(s) or a part thereof, that are not shown.)

Development Officer: T. Ouellette Date: 8-sept-15

Note: A Secondary Suite has been approved in the 14-Aug-14 amendment to the Real Property Report. There is no 12-Aug-15 amendment to the Real Property Report. New owners must apply for a new development permit.

#### LEGEND

- (Perp.) FOUND IRON POSTS
- G PERPENDICULAR DISTANCE TO PROPERTY LINE
- OH GARAGE
- R OVERHANG
- (Rad.) RADIUS
- X-K-M-X RADIAL DISTANCE TO PROPERTY LINE
- Fd.I. Dist. FENCE LINE
- IP Inacc. CONCRETE
- B.O.W. UNABLE TO LOCATE EVIDENCE
- T.O.C. TOP OF CURB
- Fd.I. Bent Res. IRON POST BENT AND RESTORED
- Fd.Ref.I. FOUND REFERENCED IRON POST
- DIAMETER
- REFERENCE MONUMENTS
- PROPERTY CORNERS

#### Alberta Land Surveyor's Real Property Report DESCRIPTION OF PROPERTY

Lot 120  
Block 11  
Plan 132 3212  
Subd'n Harvest Ridge - Spruce Grove

Scale : 1 : 250

Date of Survey : Aug. 14, 2014  
(Updated August 6, 2015)

Prepared for :

Homexx Corporation

Date of Title Search : August 5, 2015  
(copy on reverse)

#### Alberta Land Surveyor's Certification:

I hereby certify that this Report, which includes the plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association's Manual of Standard Practice and supplements thereto. Accordingly, within those standards and as of the date of this Report, I am of the opinion that:

- the plan illustrates the boundaries of the Property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, and registered easements and rights-of-way affecting the extent of the title to the Property;
- the improvements are entirely within the boundaries of the Property;
- no visible encroachments exist on the Property from any improvements situated on an adjoining property; and
- no visible encroachments exist on registered easements or rights-of-way affecting the extent of the Property.

**Purpose of Report:** This Report and plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose of (a) land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc.). Copying is permitted only for the benefit of these parties. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown on the plan. Unless shown otherwise, property corner markers have not been placed during the survey for this Report. The plan should not be used to establish boundaries because of the risk of misinterpretation or measurement error by the user.

The information shown on this Report reflects the status of this Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

This document is void unless it bears an original signature (in red ink) and a Pals Geomatics Corp. permit stamp (in red ink).

Lawrence M. Pals  
August 12, 2015  
Pals Geomatics Corp.  
Edmonton, AB  
August 12, 2015

#### Notes:

- Dimensions are shown in metres and decimals thereof.
- Dimensions are to foundation walls.
- Distances on curved boundaries are arc distances.
- Eaves are measured to the line of fascia.
- Building has cladding

**Pals Geomatics**

10704 - 176th Street  
Edmonton, Alberta T5S 1G7  
Phone 780-455-3177  
Fax 780-481-1301

## **EXHIBIT 4**





414 King Street, Spruce Grove, AB  
Phone: 780-962-7582  
Fax: 780-962-1062  
M-F: 8:30 a.m. – 4:30 p.m.

## NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development Permit Application No.: PL20200000543

Appeal of the  
☐ Approval  
☒ Conditional of approval  
☐ Refusal

☐ Representing group  
☐ List of names attached

Stop Order Dated:

### APPELLANT – REQUIRED

Appellant Name:

Traci Upshaw

Home Phone No.:

Work Phone No.:

Mailing address:

39 Hudson Cove

City:

Spruce Grove

Province:

AB

Postal Code:

T7X 0R8

Signature:

Date:

Dec 23, 2020

Email

### APPELLANT'S REPRESENTATIVE – REQUIRED

Appellant Name:

Home Phone No.:

Work Phone No.:

Mailing address:

City:

Province:

Postal Code:

Email

### ADDRESS OF SUBJECT SITE – REQUIRED

Suite:

Street Address:

Street Name:

41

Hudson Cove

Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian

132 / 3212 / 11 / 120 /

### REASON FOR APPEAL - REQUIRED

- Increased parking in congested residential area.
- Please see letter attached.

### OFFICE USE ONLY

Appeal Period Expiry Date:

Date Appeal Received:

Receipt No.:

January 4, 2021

December 23, 2020

1696627

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Traci Upshaw  
39 Hudson Cove  
Spruce Grove, AB T7X 0R8

December 21, 2020

Subdivision and Development Appeal Board  
The City of Spruce Grove  
City Hall, 315 Jespersen Avenue  
Spruce Grove, AB T7X 3E8

To Whom it may Concern

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I am writing to appeal the decision of the Development Officer regarding the Development Permit No. PL20200000543 for a home occupation offering reflexology services at 41 Hudson Cove. I am appealing the decision to grant a variance to section 70(2)(h) of land Use Bylaw C-824-12 which states that a home occupation shall not contain a secondary suite, garage suite or garden suite. The Development Officer granted the variance as a result of their opinion that the decision would not have a negative impact on parking for adjacent property owners. I am writing to appeal this decision due to existing ongoing issues with parking in front of the proposed property and adjacent homes.

The reasons for my appeal of the home occupation at 41 Hudson Cove are as follows:

1. The property is located on a cul-de-sac with the largest rear pie-shaped lot on the inside corner of the street. This results in the frontage of the property being very small and results in congested parking for the residents adjacent to the property on a daily basis.
2. Many of the homes on the street have rear garages but also park vehicles in front of their homes. Street parking is very congested with many homes having several vehicles.
3. Bylaw officers have ticketed vehicles parked in front of 41 Hudson Cove and neighboring properties on several occasions for improper parking (angle-parking) due to congested parking spaces.
4. The owner of 41 Hudson Cove has had clients visiting the property since last summer, and at times those clients park in front of neighboring homes.
5. The owner of 41 Hudson Cove has teenage children who drive vehicles and park at or near the property on a regular basis, sometimes in front of neighboring homes.
6. The owner of 41 Hudson Cove has overnight guests who park at or near the property on a regular basis, sometimes in front of neighboring homes.
7. Sometimes, these additional vehicles triple-park on the double parking space at the rear of the property, congesting the very narrow back alley.
8. With the addition of client parking on the street for this business, there will be a negative impact on the enjoyment of the property of neighboring owners due to increased parking



congestion. Similarly, there would be increased tension and less tolerance for vehicles perceived to be improperly parked or parked in the space intended for clients of the home occupation. This could result in increased calls to bylaw enforcement and ticketing, further increasing neighborhood tensions.

There are a few potential solutions to the issue of on-site parking that may allow the home occupation to exist harmoniously in the neighborhood.

1. Change the parking regulation to allow angle parking in front of the property and the two adjacent properties. Angle parking was used previously and was working until Bylaw was called and started issuing tickets, forcing everyone to parallel-park and creating limited parking spaces and further congestion on the street. There is ample room to angle park on the street and still leave room for vehicles to pass around the corner.
2. The homeowner at 41 Hudson Cove could construct an additional parking pad in the rear of the residence dedicated to the home business. Since the home is located on a large pie shaped lot, there is ample space at the rear for a new dedicated parking pad and walkway to provide access to the home occupation in a safe way that would not impact parking on the street.
3. In addition to one of the above solutions, ensure that the hours of business for the home occupation are limited to weekdays only between the hours of 08:00-17:00. The heaviest street parking congestion is in the evenings and on weekends.

Thank you for considering my appeal. I want to be clear that I am not opposed to the home business itself or my neighbor's right to use her home for a home occupation even though there is a secondary suite. I am, however, concerned about the ongoing impact of additional street traffic and parking congestion and frustration in an area that is already problematic.

Please find enclosed the applicable fee of \$130 for my appeal request. I look forward to further discussion in this matter at the appeal hearing.

Sincerely,

[REDACTED]  
Traci Upshaw

## **EXHIBIT 5**

January 5, 2021

Dear Property Owner

**RE: NOTICE OF HEARING – SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

---

Against the conditional approval of Development Permit PL20200000543 to locate a home occupation offering reflexology services with a variance to allow for a home occupation on the same site as an existing secondary suite at 41 Hudson Cove (Plan 132-3212, Block 11, Lot 120). The Development Permit Application was approved on December 4, 2020.

The Subdivision and Development Appeal Board (SDAB) will hold an appeal hearing as follows:

DATE: Wednesday, January 20, 2021  
TIME: 6:30 p.m.  
LOCATION: Virtual - Zoom

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 30 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property, the applicant of the development permit, and the person(s) who filed the appeal will also receive a copy of this letter.

Persons mentioned above and affected by this development have the right to submit a verbal or written submission to the Board. When making a submission, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision.

If you wish to make a verbal submission to address the Board, you must pre-register by **Wednesday, January 20, 2021 at 12 noon** by email, at [permits@sprucegrove.org](mailto:permits@sprucegrove.org), or by telephone at 780-962-7582. Once registered you will be provided with the information necessary to access the meeting by virtual means.

If you wish to submit written material to the Board for inclusion in the hearing agenda package, it must be received by **Wednesday, January 13, 2021 at 12 noon** by email, at [permits@sprucegrove.org](mailto:permits@sprucegrove.org), or by mail, 315 Jespersen Avenue, Spruce Grove, Alberta, T7X 3E8. Visuals such as PowerPoint presentations, photos, or graphics are considered to be a written submission in accordance with the City's Virtual Procedures Bylaw. Any written submissions received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations

to the Board. Please feel free to contact me at 780-962-7634 ext. 425 should you have any questions.

Yours truly,

Lindsay O'Mara  
Clerk, Subdivision and Development Appeal Board  
Email: [lomara@sprucegrove.org](mailto:lomara@sprucegrove.org)  
Phone: 780-962-7634 ext. 425



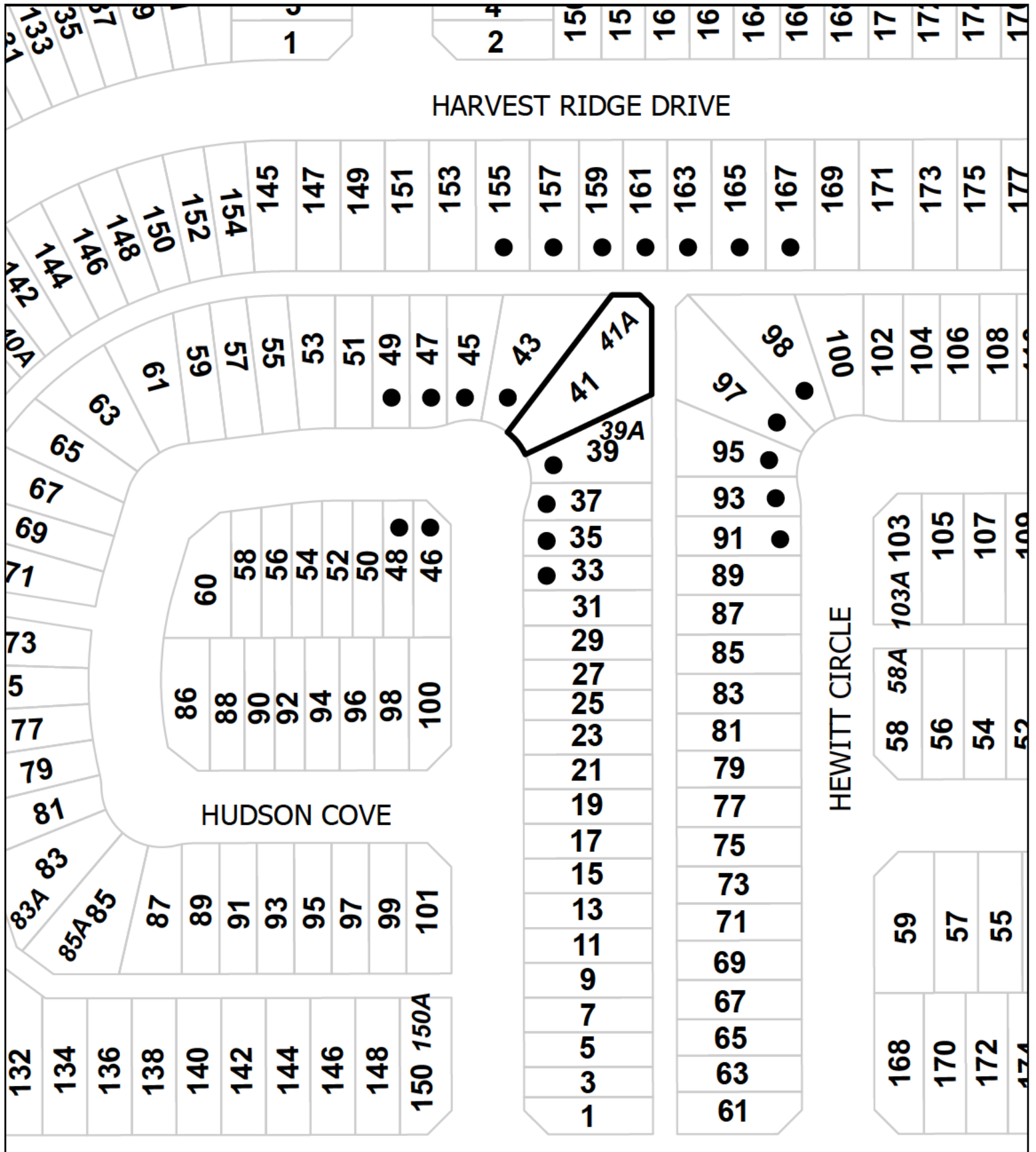
## **EXHIBIT 6**

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## EXHIBIT 7

## 41 Hudson Cove

Notification letters sent to properties marked with ●



Scale: 1:1,250



## EXHIBIT 8

## Subject Site

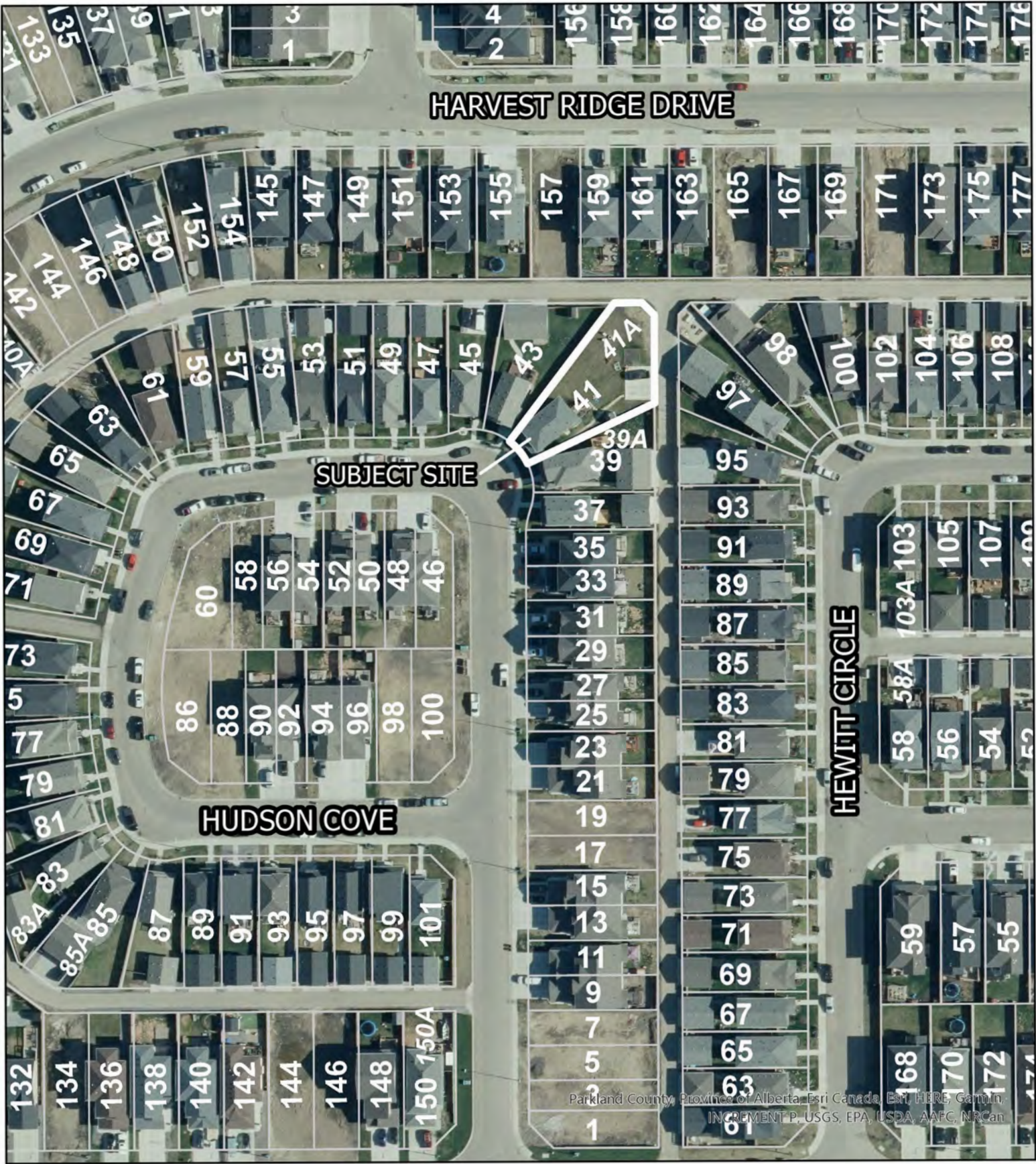


26



# 41 Hudson Cove

Site Plan



Parkland County, Province of Alberta, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, AAFC, NRCan

## **EXHIBIT 9**





## PLANNING STAFF REPORT TO: Subdivision & Development Appeal Board

ITEM: 1

<b>File No:</b>	132-3212-11-120	<b>Subject:</b>	An appeal against the conditional approval of a development permit application for a home occupation offering reflexology services with a variance to the combination of allowable uses on the site.
<b>Date of Report:</b>	January 5, 2021		
<b>Date of Meeting:</b>	January 20, 2021		

The following is a summary of information relevant to the application:

**Development Permit: PL20200000543**

**Date of Decision: December 4, 2020**

**Date Appeal Received: December 23, 2020**

**Relevant Sections of the  
Land Use Bylaw:**

**Section 7 Definitions  
Section 70 Home Occupations  
Section 75 Secondary Suites  
Section 85 Number of On Site Parking Stalls Required**

**Land Use District: R1 – Mixed Low to Medium Density Residential District**

**Proposed Use: Home Occupation with variance**

**Municipal Address: 41 Hudson Cove**

**Legal Description: Plan 132-3212, Block 11, Lot 120**

### **I. BACKGROUND INFORMATION**

September 10, 2020 – The owner and applicant, Kristina Kloeck of 41 Hudson Cove, submitted a development permit application for a home occupation offering reflexology services.

November 12, 2020 – The development officer contacted the applicant to confirm whether or not the secondary suite was still in operation and if so, advise of the regulations.

November 18, 2020 – The applicant submitted a variance request to be included as part of their application for a home occupation development permit.

December 4, 2020 – The development officer conditionally approved the application for the home occupation with a variance to the combination of allowable uses on the site under development permit PL20200000543.

December 23, 2020 – The adjacent property owner and appellant, Traci Upshaw of 39 Hudson Cove, submitted an appeal against the conditional approval of development permit PL20200000543.



## II. LAND USE BYLAW C-824-12

**Section 7 - Definitions:** The definition under this section that applies to this appeal is as follows:

**Home Occupation:** A business venture carried on within a Dwelling which is not visible in any manner from the outside of the Dwelling. Such an operation is secondary to the residential Use of the Dwelling and does not change the character thereof. This Use does not include Family Day Homes.

**Section 70 - Home Occupation:** The regulations under this section that apply to this appeal are as follows:

- (1) A Home Occupation shall not be allowed in a residence if, in the opinion of the Development Officer, it would be more appropriately located in a Commercial or Industrial District.
- (2) A resident who intends to carry out a Home Occupation, where allowed as a Discretionary Use, shall make application for a Development Permit and shall, if given approval, comply with the following provisions:
  - (f) If, at any time, any of the requirements for Home Occupations have not been complied with, the Development Officer may suspend or cancel the Development Permit.
  - (g) A Home Occupation that attracts clients, customers, or students to the premises shall be limited to a maximum of six persons in attendance at any one time.
  - (h) A Site containing a Home Occupation shall not contain a Secondary Suite, Garage Suite or Garden Suite.

### Section 75 - Secondary Suites

- (5) A Secondary Suite shall not be allowed within the same Site containing a Group Care Facility, Limited Group Home, Home Occupation, Garden Suite or Garage Suite.

**Section 85 - Number of On Site Parking Stalls Required:** The regulations under this section that apply to this appeal are as follows:

- (2) The minimum number of On Site Parking Stalls required for each Use of Building or Development shall be as follows:
  - **Single Detached Dwelling:** Two
  - **Secondary Suite:** One
  - **Home Occupation:** As required by the Development Officer

## III. STAFF COMMENTS

The property in question, 41 Hudson Cove, is located within the R1 – Mixed Low to Medium Density Residential District.

A home occupation is a discretionary use within the R1 district. For discretionary uses, a development officer may add additional conditions to establish a more stringent standard and through the review, shall approve the use if, in the opinion of the development officer, the applicant can

comply with the conditions of approval. However, if the conditions of approval are not complied with, the development officer may suspend or cancel the development permit.

A home occupation is a use within most residential districts within the City of Spruce Grove. Home occupations allow for the consideration of part-time, small and/or the start-up of a new business where being located in a commercial space is not feasible. During the review of the home occupation use, the development officer considers whether or not the proposed use is better suited in a commercial district versus a residential district. The development officer also reviews the property file to ensure there are no previous secondary uses approved on the site where the minimum required on-site parking stalls may be already impacted. It was found that at the time of development permit approval for the single detached dwelling, a secondary suite was approved to be constructed in the basement of the dwelling. At this point of review of the home occupation, the development officer contacted the applicant to make her aware of the Land Use Bylaw regulations where by having an existing secondary suite, a home occupation was not permitted as per the secondary suite section 75(5) and vice versa as per the home occupation section 70(2)(h). The regulation to prohibit a home occupation use in combination with a secondary suite use is intended to prevent parking congestion. As the applicant felt the existing on-site parking stalls could accommodate both uses, the applicant applied to vary this regulation.



Throughout the City of Spruce Grove, lack of street parking is a common concern. Therefore, the total number of on-site parking stalls are largely considered when reviewing a development permit application for a home occupation as well as a secondary suite. In a residential district, there are a minimum of two on-site parking stalls required for the primary residential use of a dwelling, one on-site parking stall for a secondary suite, and as required by the development officer for a home occupation.

In this case, there are three on-site parking stalls. For the primary residential use, there are two parking stalls as required and one household vehicle leaving one additional parking stall available for the proposed home occupation. For the secondary suite use, there is one parking stall available as required and one household (tenant) vehicle. As per the information included as part of the application including the variance request, the development officer was assured there would be no negative impact to street parking as there was a second parking stall available, not including

the third parking stall for the secondary suite. As there would only be one on-site parking stall available for clients, the development officer included the condition of having only one customer at a time.

Being a discretionary use, adjacent property owners receive a letter notifying them of the decision. If additional information is required, they may contact the development officer. Additional information may include, but is not limited to:

- Proposed hours of operation,
- Proposed parking arrangements,
- Proposed intensity of the accessory use, etc.

An enquiry from the appellant was not received.

In conclusion, as the development officer determined that the home occupation regulations were clearly considered by the applicant and the parking arrangements provided by the applicant would satisfy the parking concerns of having an additional use on the site, the development officer conditionally approved the application.

## EXHIBIT 10

Traci Upshaw  
39 Hudson Cove  
Spruce Grove, AB T7X 0R8

December 21, 2020

Subdivision and Development Appeal Board  
The City of Spruce Grove  
City Hall, 315 Jespersen Avenue  
Spruce Grove, AB T7X 3E8

To Whom it may Concern

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I am writing to appeal the decision of the Development Officer regarding the Development Permit No. PL20200000543 for a home occupation offering reflexology services at 41 Hudson Cove. I am appealing the decision to grant a variance to section 70(2)(h) of land Use Bylaw C-824-12 which states that a home occupation shall not contain a secondary suite, garage suite or garden suite. The Development Officer granted the variance as a result of their opinion that the decision would not have a negative impact on parking for adjacent property owners. I am writing to appeal this decision due to existing ongoing issues with parking in front of the proposed property and adjacent homes.

The reasons for my appeal of the home occupation at 41 Hudson Cove are as follows:

1. The property is located on a cul-de-sac with the largest rear pie-shaped lot on the inside corner of the street. This results in the frontage of the property being very small and results in congested parking for the residents adjacent to the property on a daily basis.
2. Many of the homes on the street have rear garages but also park vehicles in front of their homes. Street parking is very congested with many homes having several vehicles.
3. Bylaw officers have ticketed vehicles parked in front of 41 Hudson Cove and neighboring properties on several occasions for improper parking (angle-parking) due to congested parking spaces.
4. The owner of 41 Hudson Cove has had clients visiting the property since last summer, and at times those clients park in front of neighboring homes.
5. The owner of 41 Hudson Cove has teenage children who drive vehicles and park at or near the property on a regular basis, sometimes in front of neighboring homes.
6. The owner of 41 Hudson Cove has overnight guests who park at or near the property on a regular basis, sometimes in front of neighboring homes.
7. Sometimes, these additional vehicles triple-park on the double parking space at the rear of the property, congesting the very narrow back alley.
8. With the addition of client parking on the street for this business, there will be a negative impact on the enjoyment of the property of neighboring owners due to increased parking



congestion. Similarly, there would be increased tension and less tolerance for vehicles perceived to be improperly parked or parked in the space intended for clients of the home occupation. This could result in increased calls to bylaw enforcement and ticketing, further increasing neighborhood tensions.

There are a few potential solutions to the issue of on-site parking that may allow the home occupation to exist harmoniously in the neighborhood.

1. Change the parking regulation to allow angle parking in front of the property and the two adjacent properties. Angle parking was used previously and was working until Bylaw was called and started issuing tickets, forcing everyone to parallel-park and creating limited parking spaces and further congestion on the street. There is ample room to angle park on the street and still leave room for vehicles to pass around the corner.
2. The homeowner at 41 Hudson Cove could construct an additional parking pad in the rear of the residence dedicated to the home business. Since the home is located on a large pie shaped lot, there is ample space at the rear for a new dedicated parking pad and walkway to provide access to the home occupation in a safe way that would not impact parking on the street.
3. In addition to one of the above solutions, ensure that the hours of business for the home occupation are limited to weekdays only between the hours of 08:00-17:00. The heaviest street parking congestion is in the evenings and on weekends.

Thank you for considering my appeal. I want to be clear that I am not opposed to the home business itself or my neighbor's right to use her home for a home occupation even though there is a secondary suite. I am, however, concerned about the ongoing impact of additional street traffic and parking congestion and frustration in an area that is already problematic.

Please find enclosed the applicable fee of \$130 for my appeal request. I look forward to further discussion in this matter at the appeal hearing.

Sincerely,

[REDACTED]  
Tia C. Upshaw

## EXHIBIT 11



January 11, 2021,

Dear Subdivision and Development Appeal Board,

My name is Kristina Kloeck and I reside at 41 Hudson Cove.

There has been an appeal regarding my working from home, with regards to parking concerns. This letter will clarify how the parking will be used, the hours of business operation and that the neighbours will be affected.

I practice Reflexology and see one client at a time during the day. My hours are always from 10 to 4 at the latest. I do not work weekends, or evenings. Until COVID-19 started, I was working at a clinic in stony plain. But because of Covid I have had to move home. I cannot afford to pay a clinic and my mortgage at the same time.

I do not have clients every day of the week, and my biggest day is seeing three. I have a three-car parking pad in the back, which is only utilized by my single vehicle, and my renter's single vehicle. My renter does not get home from work until 6:30 or later every day. My car is parked in the back, and that is where my client will be parking as well.

The concern that was mentioned was regarding my son who drives a truck. My son lives here about 30% of the time. When he is staying here, he usually does not have the truck because that is his dad's work truck. When the truck is parked here, my son is usually visiting me and then going back to his dad's. When my son stays here, he does not have the truck or access to it because his dad needs it for work. Furthermore, when my son is here with the truck, it is always after 4:00 PM because he works all day. This is a little different now just because it is Christmas, and because of Covid his dad does not need it as often.

I understand the concern regarding parking. I park in the back because of congestion and have received several parking tickets due to angle parking. But during the day, there is ample space for people to park because most people in the area are at work, and several of us now park in the back to avoid congestion in the front.

Therefore, as you can see my having one client here at a time will not affect the parking in the front at all. I have given great consideration for this so that my neighbours are not affected in any way. Thank you for your time, I hope this clarifies the concern. I just need to be able to work, provide for my kids, and get through this the best I can while we are dealing with Covid. I honestly prefer working in a clinic, but currently that is just not an option.

Sincerely,

Kristina Kloeck

Trevor Kloeck

19 Meadowlink Common

Spruce Grove, AB

T7X 0W1

To: City of Spruce Grove- Business License Appeals Board

RE: Kristina Kloeck- Spruce Grove Business License Application

To Whom it May Concern:

Kristina Kloeck is my ex-wife and we share custody of our two children. She mentioned that a concern was brought up about the truck our son drives as a parking concern. The vehicle is a grey 2012 Toyota Tundra. The vehicle in question is my vehicle, which my son occasionally uses and rarely takes to his mothers as it is also my primary mode of transportation. The vehicle has temporarily been more available to him as the pandemic has restricted my travel. Our son also resides with me 70% of the time due to my much closer proximity to his work. The vehicle should not be a factor in the business licensing process for this reason and we can mitigate its presence if absolutely required.

I am happy to answer any questions you may have and can be reached at [REDACTED]. I can also be reached via email at [REDACTED]. The pandemic has been tough on us all and Kristina's home business is a critical source of income at this time.

Sincerely,

Trevor Kloeck



























